

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

NANCY R. LOPEZ

Plaintiff,

v.

U.S. ENGINEERING COMPANY

a Missouri Corporation

(Serve: Registered Agent

Stephen B. Sutton

Suite 2800

2345 Grand Blvd.

Kansas City, MO 64108-2684

and

JACKSON COUNTY, MISSOURI

(Serve: County Executive Mike Sanders)

415 E. 12th Street

2nd Floor

Kansas City, MO 64106)

Defendants.

Case No. 1016-V-07996

10 MAR 13 4:10:06
Dana Foster

PETITION FOR DAMAGES

COMES NOW Plaintiff Nancy R. Lopez, by and through her attorneys, and for her causes of action against the Defendants, and each of them, states and alleges as follows:

THE PARTIES

1. Plaintiff Nancy R. Lopez is a resident of Kansas City, Jackson County, Missouri.

2. Defendant U.S. Engineering Company (hereinafter referred to as “U.S. Engineering”) is a Missouri Corporation which maintains its principal place of business located at 3433 Roanoke Road Kansas City, Jackson County, Missouri and which maintains a registered agent for service of process in the State of Missouri, namely Stephen B. Sutton, Suite 2800, 2345 Grand Blvd., Kansas City, Missouri 64108-2684.

3. Defendant Jackson County, Missouri (hereinafter referred to as “the County”) is a political subdivision of the State of Missouri operating under a charter form of government and which may be served with process by serving County Executive Mike Sanders, 415 E. 12th Street, 2nd Floor, Kansas City, Missouri 64106.

JURISDICTION AND VENUE

4. Jurisdiction and venue are proper in this Court. The acts complained of in this action occurred in this State, by Defendants and Defendants’ employees and officers, all acting within the course and scope of their agency and employment in this State. Venue is proper pursuant to §508.010(4).

GENERAL ALLEGATIONS

5. Section 510.265 RSMo. (2005) in limiting punitive damages to five times the amount of the civil damages verdict or \$500,000, but exempting the State of Missouri from such limitation is unconstitutional in violation of the Fourteenth Amendment to the United States Constitution and Article I, § 2 of the Missouri Constitution in that it treats civil damages claims made on behalf of the

state differently than those brought by civil plaintiffs and thereby violates equal protection because it lacks a rational basis.

6. Section 510.625 and 508.010 are part of a single legislative act entitled House Bill 393 passed by the General Assembly of Missouri in 2005.

The provisions of the bill violate:

- a. the requirement of one subject, Mo Const. Art. III, § 23;
- b. the requirement of clear title, Mo Const. Art. III, §23;
- c. the privileges and immunities clause, Mo. Const. Art., § 13;
- d. the constitutional directives for amending statutes, Mo. Const. Art. III, § 28;
- e. the prohibition against special laws Mo. Const. Art III, § 40 (28);
- f. separation of powers, Mo. Const. Art. II, § 1; and
- g. the limited to the purpose mandate, Mo. Const. Art. V, §5.

7. Section 537.067 enacted as part of House Bill 393 passed by the General Assembly of Missouri in 2005 in altering the concept of joint and several liability is unconstitutional in violation of Article I, §13 of the Missouri Constitution in that it retroactively applies legislation to acts that accrue prior to August 28, 2005 but are filed after August 28, 2005.

8. The County owns, operates, and maintains the Jackson County Courthouse located at 415 E. 12th Street, Kansas City, Missouri (hereinafter referred to as the “building”).

9. The building was originally constructed in 1933 and 1934. The original construction of the building included the application and installation of numerous asbestos containing materials (hereinafter ACM) that were used for purposes of insulation, sound proofing and/or fire retardation.

10. Defendant U.S. Engineering had no connection with the design, planning or construction (including architectural, engineering or construction services) of the ACM as originally installed or applied to the building.

11. Defendant U.S. Engineering had no connection with the design, planning or construction (including architectural, engineering or construction services) of the building.

12. Since at least 1983 and up to and including the present, dust containing asbestos fibers have been released into the air within the building from the ACM due to:

- a. intentional demolition and removal of the ACM;
- b. accidental and unintentional damage, removal and/or disturbance of the ACM; and
- c. deterioration and degradation of the ACM.

13. The heating, ventilation and air conditioning (HVAC) system at the building uses a system of more than fifty (50) air handling units to provide air flow to occupied spaces in the building.

14. The release of the dust containing asbestos fibers at the building has occurred to such an extent that entire air handling units, including the fans, have been covered in asbestos.

15. The conditions at the building have resulted in dust containing asbestos fibers being blown and/or distributed into occupied spaces throughout the building.

16. The release of the dust containing asbestos fibers at the building created extremely hazardous and dangerous conditions such that the premises were not reasonably safe for people that the County knew would be exposed to asbestos.

17. Dust containing microscopic particles of asbestos fiber can travel through the air and be inhaled, ingested or absorbed by workers or other individuals near the ACM. This dust can enter the body through the airways (mouth and nose) or cling to the clothing of workers or other individuals and later be inhaled or ingested by those who come in contact with dust containing asbestos fibers.

18. Once asbestos fibers have entered the body they cannot be destroyed or expelled by the body. They remain embedded in the lung tissue and cause chronic irritation and inflammation that lead to the development of many different types of asbestos related diseases and conditions.

19. Defendant U.S. Engineering is a sophisticated engineering firm that at all relevant times hereto possessed specific knowledge concerning the dangers

of asbestos, including, but not limited to the knowledge that people exposed to dust containing asbestos fibers will inevitably be harmed in some manner.

20. For more than thirty (30) years Defendant U.S. Engineering Company has entered into numerous contracts with Defendant County to perform demolition, renovation, repair, replacement and maintenance projects at the building including but not limited to:

- a. plumbing;
- b. electrical; and
- c. heating ventilation and air conditioning (HVAC).

21. While performing the various projects described in paragraph 20, Defendant U.S. Engineering caused the release of dust containing asbestos fibers into the air within the building due to:

- a. intentional demolition and removal of the ACM; and
- b. accidental and unintentional damage, removal and/or disturbance of ACM.

22. While performing the various projects described in paragraph 20, Defendant U.S. Engineering was aware that its actions and omissions resulted in the release of dust containing asbestos fibers into the air within the building.

23. Defendant U.S. Engineering concealed the information regarding the release of dust containing asbestos fibers into the air within the building from:

- a. Jackson County, Missouri;

b. the individuals who worked at, visited or otherwise occupied the building; and

c. the general public.

24. From September 1975 until October 31, 2007 Plaintiff was employed by the State of Missouri as a judicial administrative assistant in Division 7 of the Circuit Court of Jackson County, Missouri at the building.

25. Plaintiff was unaware and had no reasonable way to know or realize that she was exposed to asbestos or the risks of being exposed to asbestos.

26. While present at the building between 1983 and 2007, Plaintiff was exposed to and inhaled, ingested, or otherwise absorbed dust containing asbestos fibers emanating from the ACM materials on the premises.

27. Additionally, dust containing asbestos fibers adhered to the person and clothing of Plaintiff and were carried home and otherwise off the premises of the building. While off the premises and outside the course of her employment, Plaintiff was exposed to and inhaled, ingested, or otherwise absorbed asbestos fibers that had adhered to her person and clothing.

28. Plaintiff's exposure to and inhalation, ingestion, and/or absorption of said asbestos fibers was completely foreseeable and could or should have been anticipated by Defendants, including that Plaintiff would be exposed off the premises and outside the scope of employment.

29. Defendants knew or should have known that exposure to dust containing asbestos fibers posed an unreasonable risk of harm to Plaintiff and others similarly situated.

30. As a direct and proximate result of her exposure to the dangerous and hazardous ACM, Plaintiff developed mesothelioma and other asbestos-related diseases, all of which are progressive, latent, and insidious and none of which were diagnosed or discovered until April 22, 2009.

31. The only known cause of mesothelioma is asbestos exposure. Mesothelioma has a ten to fifty year latency period from the date of initial exposure to disease diagnosis.

32. Defendants' generation, use, handling, storage, treatment, demolition, removal and disposal of asbestos during the renovation, repair, maintenance and/or remodeling of the building and their failure to control and contain the same constituted numerous and repeated violations of environmental statutes and regulations, including but not limited to:

(a) Occupational Health and Safety Act (OSHA) Asbestos Regulations (29 CFR 1910.1001); and

(b) USEPA National Emission Standards for Hazardous Air Pollutants (NESHAPS) Asbestos Regulations (40 CFR 61 Subpart M).

33. At all times mentioned herein, the Defendants have acted by and through their duly-authorized officers, managers, agents, servants, and/or

employees, all of whom have acted within the course and scope of their employment or other relationship.

**COUNT I – NEGLIGENCE CLAIMS AGAINST DEFENDANT U.S.
ENGINEERING COMPANY**

COMES NOW Plaintiff and for Count I of her Petition for Damages against Defendant U.S. Engineering Company, states and alleges as follows:

34. To the extent they are not inconsistent with the allegations in this Count, Plaintiff incorporates all other allegations of this Petition as though more fully set forth herein.

35. Defendant had a duty to use ordinary care for the safety of Plaintiff and others in conducting any operations or activities at the building and in reducing or eliminating unreasonable risks that arose from those operations or activities.

36. Defendant was negligent, careless, and reckless in the following respects, among others:

(a) It failed to require and/or provide equipment and engineering controls designed to contain asbestos fibers and reduce the risk of exposure to asbestos;

(b) It failed and omitted to take reasonable precautions or to exercise reasonable care to publish, adopt and enforce a safety plan and a safe method of handling, removing and working around the asbestos in the building;

(c) It failed to replace ACM at the building with non-asbestos substitutes, which Defendant knew or should have known were available.

(d) It failed to adequately train and advise its own employees regarding the proper use of equipment and engineering controls necessary to contain asbestos fibers and reduce the risk of exposure to asbestos;

(e) It failed to recommend appropriate methods to make safe the work environment of Plaintiff, knowing that she and other workers would be exposed to the ACM at the building;

(f) It failed to advise and warn Plaintiff that the ACM in the building were harmful, dangerous and life-threatening asbestos products;

(g) It failed to warn Plaintiff that she was working around ACM, including that Plaintiff was being exposed to asbestos fibers and the adverse health effects of such exposure;

(h) It failed to advise Plaintiff of the dangerous characteristics of asbestos;

(i) It failed to provide an adequate warning to persons such as Plaintiff of the dangers to her health in coming in contact with and breathing dust containing asbestos fibers;

(j) It failed to warn and/or advise Plaintiff regarding hygiene practices designed to reduce and/or prevent carrying asbestos fibers home;
and

(k) It failed to provide any measures sufficient to protect Plaintiff from being poisoned, disabled and harmed by exposure to dust containing asbestos fibers;

37. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered and will continue to suffer severe, permanent, and disabling injuries to her body. Specifically, she suffers from mesothelioma as a result of her exposure to asbestos and the mesothelioma has caused and will continue to cause her to experience great pain and suffering, both physical and mental, including mental anguish, and said pain and suffering will continue in the future. Her life expectancy has been greatly reduced as a result of her exposure to asbestos and the resulting mesothelioma and she has expended, incurred, and become liable for large sums of money for medical treatment, including hospital bills, doctor bills, medications, and ongoing therapy. She has suffered lost income and will continue to suffer lost income in the future. She has lost earning capacity and said loss will continue in the future, and she has been prevented and hindered from attending to the normal affairs of her life.

38. The actions, conduct and omissions of Defendant U.S. Engineering Company were committed with complete indifference to or in conscious disregard for the safety and well-being of the Plaintiff and others. By virtue of the attitude and conduct of Defendant U.S. Engineering Company, Plaintiff is entitled to exemplary or punitive damages in an amount that will properly punish Defendant U.S. Engineering Company and deter it and others from like conduct in the future.

WHEREFORE, Plaintiff prays for judgment under Count I for general damages in such sum as is fair and reasonable, for special damages in such sum as proven at trial, for exemplary or punitive damages in an amount that will properly punish Defendant U.S. Engineering Company and deter it and others from like conduct, for Plaintiff's costs and expenses, and for such other relief as the Court deems just and proper.

**COUNT II – STRICT LIABILITY/ULTRAHAZARDOUS ACTIVITY
CLAIMS AGAINST DEFENDANT U.S. ENGINEERING**

COMES NOW Plaintiff and for Count II of her Petition for Damages against Defendant U.S. Engineering, states and alleges as follows:

39. To the extent they are not inconsistent with the allegations in this Count, Plaintiff incorporates all other allegations of this Petition as though more fully set forth herein.

40. Defendant U.S. Engineering's actions and omissions which caused the release of dust containing asbestos fibers into the air at the building while it was performing the various projects described in paragraph 20 were abnormally dangerous and constitute an ultrahazardous activity.

41. Defendant U.S. Engineering is liable to Plaintiff regardless of the amount of care exercised.

42. As a direct result of the actions and omissions of Defendant U.S. Engineering, Plaintiff has been damaged as set forth in paragraph 37.

43. The actions, conduct and omissions of Defendant U.S. Engineering Company were committed with complete indifference to or in conscious disregard for the safety and well-being of the Plaintiff and others. By virtue of the attitude and conduct of Defendant U.S. Engineering Company, Plaintiff is entitled to exemplary or punitive damages in an amount that will properly punish Defendant U.S. Engineering Company and deter it and others from like conduct in the future.

WHEREFORE, Plaintiff prays for judgment under Count II for general damages in such sum as is fair and reasonable, for special damages in such sum as proven at trial, for exemplary or punitive damages in an amount that will properly punish Defendant U.S. Engineering Company and deter it and others from like conduct, for Plaintiff's costs and expenses, and for such other relief as the Court deems just and proper.

**COUNT III – NEGLIGENCE PER SE CLAIMS AGAINST DEFENDANT
U.S. ENGINEERING**

COMES NOW Plaintiff and for Count III of her Petition for Damages against Defendant U.S. Engineering, states and alleges as follows:

44. To the extent they are not inconsistent with the allegations in this Count, Plaintiff incorporates all other allegations of this Petition as though more fully set forth herein.

45. At all times material hereto, Defendant was required to operate in compliance with environmental statutes, regulations and standards, including, but not limited to:

(a) Occupational Health and Safety Act (OSHA) Asbestos Regulations (29 CFR 1910.1001); and

(b) USEPA National Emissions Standards for Hazardous Air Pollutants (NESHAPS) Asbestos Regulations (40 CFR 61 Subpart M).

46. Defendant violated these statutes, regulations and standards.

47. Plaintiff is a member of the class of persons intended to be protected by these statutes, regulations and standards.

48. The injuries and damages incurred by Plaintiff are of the type that these statutes, regulations and standards were designed to prevent.

49. The violation of the statutes, regulations and standards was a proximate cause of the injuries and damages incurred by Plaintiff.

50. As a direct result of the actions and omissions of Defendant U.S. Engineering, Plaintiff has been damaged as set forth in paragraph 37.

51. The actions, conduct and omissions of Defendant U.S. Engineering Company were committed with complete indifference to or in conscious disregard for the safety and well-being of the Plaintiff and others. By virtue of the attitude and conduct of Defendant U.S. Engineering Company, Plaintiff is entitled to exemplary or punitive damages in an amount that will properly punish Defendant U.S. Engineering Company and deter it and others from like conduct in the future.

WHEREFORE, Plaintiff prays for judgment under Count III for general damages in such sum as is fair and reasonable, for special damages in such sum as proven at trial, for exemplary or punitive damages in an amount that will properly

punish Defendant U.S. Engineering Company and deter it and others from like conduct, for Plaintiffs' costs and expenses, and for such other relief as the Court deems just and proper.

**COUNT IV – PREMISES LIABILITY CLAIMS AGAINST
DEFENDANT JACKSON COUNTY**

COMES NOW Plaintiff and for Count IV of her Petition for Damages against the Defendant County, states and alleges as follows:

52. To the extent they are not inconsistent with the allegations in this Count, Plaintiff incorporates all other allegations of this Petition as though more fully set forth herein.

53. Defendant had a duty to use ordinary care to make the building reasonably safe.

54. While its own employees and others were performing renovation, repair, replacement and maintenance projects at the building, Defendant County caused the release of dust containing asbestos fibers into the air at the building.

55. The release of the dust containing asbestos fibers at the building into the air created extremely hazardous and dangerous conditions such that the premises were not reasonably safe for people that Defendant Jackson County knew would be exposed to asbestos, including Plaintiff.

56. Defendant County knew of the extremely hazardous and dangerous conditions at the building and knew that it was not reasonably safe.

57. The dangerous conditions created a reasonably foreseeable risk of harm of the kind that Plaintiff incurred.

58. Defendant County knew or had information from which it should have known, in the exercise of ordinary care, that persons such as Plaintiff would not discover or realize the risk of harm posed by being exposed to the asbestos.

59. Defendant County knew that it was dangerous to work around and/or attempt to remove any of the ACM from the building without taking appropriate precautions, yet it failed to use ordinary care to make the conditions of its building reasonably safe for people such as Plaintiff and/or adequately warn of the extremely hazardous and dangerous conditions of its premises.

60. As a direct result of the actions and omissions of Defendant County, and the dangerous condition of the property, Plaintiff has been damaged as set forth in paragraph 37.

WHEREFORE, Plaintiff prays for judgment under Count IV for general damages in such sum as is fair and reasonable, for special damages in such sum as proven at trial for Plaintiff's costs and expenses, and for such other relief as the Court deems just and proper.

COUNT V – NEGLIGENCE CLAIMS AGAINST
DEFENDANT JACKSON COUNTY

COMES NOW Plaintiff and for Count V of her Petition for Damages against the Defendant County, states and alleges as follows:

61. To the extent they are not inconsistent with the allegations in this Count, Plaintiff incorporates all other allegations of this Petition as though more fully set forth herein.

62. Defendant had a duty to use ordinary care for the safety of Plaintiff and others in conducting any operations or activities at the building and in reducing or eliminating unreasonable risks that arose from those operations or activities.

63. Defendant County breached its duties to Plaintiff in one or more of the following respects:

- (a) It purchased/provided ACM for purposes of application at the above-named premises;

- (b) It failed to replace the ACM at the premises with non-asbestos substitutes, which Defendant knew or should have known were available;

- (c) It specified/required the use/application/removal of ACM by others, including its own employees and outside contractors, in the vicinity of Plaintiff and/or in areas in which Plaintiff performed work;

- (d) It failed to require and/or provide equipment and engineering controls designed to contain asbestos fibers and reduce the risks of exposure to asbestos;

- (e) It required Plaintiff to perform work in the vicinity of those removing and/or disturbing the ACM;

(f) It failed to adequately train and advise its own employees regarding the proper use of equipment and engineering controls necessary to contain asbestos fibers and reduce the risk of exposure to asbestos;

(g) It failed to recommend appropriate methods to make safe the work environment of Plaintiff, knowing that she and other workers would be exposed to the ACM at the Jackson County Courthouse;

(h) It failed to advise Plaintiff of the dangerous characteristics of asbestos;

(i) It failed to provide an adequate warning to persons such as Plaintiff of the dangers to her health in coming in contact with and breathing dust containing asbestos fibers;

(j) It failed to warn Plaintiff that she was working around ACM and of the risks associated therewith, including that Plaintiff was being exposed to asbestos fibers and of the adverse health effects of such exposure;

(k) It failed to require and/or advise Plaintiff and others, including its own employees and outside contractors to use equipment and practices designed to reduce the release of asbestos fibers and/or exposure to asbestos;

(l) It failed to require and/or advise Plaintiff of hygiene practices designed to reduce and/or prevent carrying asbestos fibers home;

(m) It failed to provide any measures sufficient to protect Plaintiff from being poisoned, disabled and harmed by exposure to asbestos.

64. As a direct result of the actions and omissions of Defendant County, Plaintiff has been damaged as set forth in paragraph 37.

WHEREFORE, Plaintiffs pray for judgment under Count V for general damages in such sum as is fair and reasonable, for special damages in such sum as proven at trial for Plaintiff's costs and expenses, and for such other relief as the Court deems just and proper.

**COUNT VI – STRICT LIABILITY/ULTRAHAZARDOUS ACTIVITY
CLAIMS AGAINST DEFENDANT JACKSON COUNTY**

COMES NOW Plaintiff and for Count VI of her Petition for Damages against Defendant County, states and alleges as follows:

65. To the extent they are not inconsistent with the allegations in this Count, Plaintiff incorporates all other allegations of this Petition as though more fully set forth herein.

66. Defendant County's actions which caused the release of dust containing asbestos fibers into the air at the building while it's own employees or others were performing renovation, repair, replacement and maintenance projects was abnormally dangerous and constitutes an ultrahazardous activity.

67. Defendant County is liable to Plaintiff regardless of the amount of care exercised.

68. As a direct result of the actions and omissions of Defendant County, Plaintiff has been damaged as set forth in paragraph 37.

WHEREFORE, Plaintiff prays for judgment under Count VI for general

damages in such sum as is fair and reasonable, for special damages in such sum as proven at trial for Plaintiffs' costs and expenses, and for such other relief as the Court deems just and proper.

**COUNT VII – NEGLIGENCE PER SE CLAIMS AGAINST DEFENDANT
JACKSON COUNTY**

COMES NOW Plaintiff and for Count VII of her Petition for Damages against Defendant County, states and alleges as follows:

69. To the extent they are not inconsistent with the allegations in this Count, Plaintiff incorporates all other allegations of this Petition as though more fully set forth herein.

70. At all times material hereto, Defendant was required to operate in compliance with environmental statutes, regulations and standards, including, but not limited to:

(a) Occupational Health and Safety Act (OSHA) Asbestos Regulations (29 CFR 1910.1001); and

(b) USEPA National Emissions Standards for Hazardous Air Pollutants (NESHAPS) Asbestos Regulations (40 CFR 61 Subpart M).

71. Defendant violated these statutes, regulations and standards.

72. Plaintiff is a member of the class of persons intended to be protected by these statutes, regulations and standards.

73. The injuries and damages incurred by Plaintiff are of the type that these statutes, regulations and standards were designed to prevent.

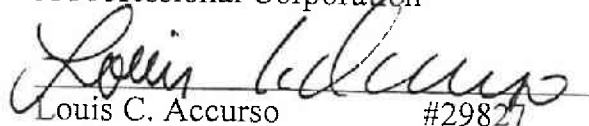
74. The violation of the statutes, regulations and standards was a proximate cause of the injuries and damages incurred by Plaintiff.

75. As a direct result of the actions and omissions of Defendant Jackson County, Plaintiff has been damaged as set forth in paragraph 37.

WHEREFORE, Plaintiff prays for judgment under Count VII for general damages in such sum as is fair and reasonable, for special damages in such sum as proven at trial for Plaintiffs' costs and expenses, and for such other relief as the Court deems just and proper.

Respectfully submitted,

THE ACCURSO LAW FIRM
A Professional Corporation



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ATTORNEYS FOR PLAINTIFFS

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

RUTH LOPEZ

Plaintiff,

v.

Case No. 1016-CV07996

U.S. ENGINEERING COMPANY
a Missouri Corporation

and

JACKSON COUNTY, MISSOURI

and

CONLEY M. MCANALLY
1414 N. Spring Street
Independence, Missouri 64050

and

ROBERT S. THEDINGER
17410 S. Wheatland Drive
Belton, Missouri 64012

and

THOMAS F. LILLIS
11212 Madison Avenue
Kansas City, MO 64114

Defendants.

FILED CIRCUIT COURT
JACKSON CO. MO-KC
11 FEB - 7 PM 1:08

PLAINTIFF'S FIRST AMENDED PETITION FOR DAMAGES
(Wrongful Death)

COMES NOW Plaintiff Ruth Lopez, by and through her attorneys, and for her causes of action against the Defendants, and each of them, states and alleges as follows:

THE PARTIES

1. Plaintiff Ruth Lopez is a resident of Kansas City, Jackson County, Missouri and is the surviving mother of Nancy R. Lopez, who died on October 9, 2010.

2. Defendant U.S. Engineering Company (hereinafter referred to as "U.S. Engineering") is a Missouri Corporation which maintains its principal place of business located at 3433 Roanoke Road Kansas City, Jackson County, Missouri and which maintains a registered agent for service of process in the State of Missouri, namely Stephen B. Sutton, Suite 2800, 2345 Grand Blvd., Kansas City, Missouri 64108-2684.

3. Defendant Jackson County, Missouri (hereinafter referred to as "the County") is a political subdivision of the State of Missouri operating under a charter form of government and which may be served with process by serving County Executive Mike Sanders, 415 E. 12th Street, 2nd Floor, Kansas City, Missouri 64106.

4. Defendant Conley McAnally is an individual that resides at 1414 N. Spring Street, Independence, Missouri 64050.

5. Defendant Conley McAnally was a public employee of Defendant Jackson County and was the Director of Building Services for Defendant Jackson County up to and including December of 1982.

6. Defendant Robert S. Thedinger is an individual that resides at 17410 S. Wheatland Drive, Belton, Missouri 64012.

7. Defendant Robert S. Thedinger was a public employee of Defendant Jackson County and was Director of Purchasing up and including 1983.

8. Defendant Thomas F. Lillis is an individual that resides at 11212 Madison, Kansas City, Missouri.

9. Defendant Thomas F. Lillis was a public employee of Defendant Jackson County and was the Director of Buildings and General Services for Defendant Jackson County from January 1983 up to and including December of 1991.

JURISDICTION AND VENUE

10. Jurisdiction and venue are proper in this Court. The acts complained of in this action occurred in this State, by Defendants and Defendants' employees and officers, all acting within the course and scope of their agency and employment in this State. Venue is proper pursuant to §508.010(4).

GENERAL ALLEGATIONS

11. Section 510.265 RSMo. (2005) in limiting punitive damages to five times the amount of the civil damages verdict or \$500,000, but exempting the State of Missouri from such limitation is unconstitutional in violation of the